

Message Text

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ORIGIN OES-06

INFO OCT-01 EA-09 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

EB-07 FMC-02 INR-07 NSAE-00 SAL-01 CG-00 DLOS-06 L-03

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DRAFTED BY OES/OFA/FA:LNSCHOWENGERDT:PAH

APPROVED BY OES/OFA/FA:LNSCHOWENGERDT

EA/J:CKARTMAN (SUBS)

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

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E.O. 11652:N/A

TAGS: EFIS, JA

SUBJECT: SEIZURE OF YAMASAN MARU 85

REF: TOKYO 10616

1. JAPANESE FISHING VESSEL YAMASAN MARU 85 WAS SEIZED BY US COAST GUARD CUTTER JARVIS AT 2031 GMT JULY 10 JUST NORTH OF AMLIA ISLAND. VESSEL WAS OBSERVED FISHING WITHIN THE U.S. CONTIGUOUS FISHING ZONE AT 1315 GMT IN POSITION 52-20.2 NORTH LATITUDE 173-39.5 WEST LONGITUDE, 11.1 MILES FROM NEAREST POINT OF LAND. VESSEL WAS BOARDED AT 1400 GMT AND FISHING ACTIVITY CONFIRMED BY INSPECTION.

2. FOLLOWING SEIZURE, VESSEL WAS TAKEN TO KODIAK, ALASKA, FOR PROSECUTION BY U.S. ATTORNEY, ARRIVING AT 0407 GMT 14 JULY.

3. CASE IS GENERALLY STRAIGHTFORWARD IN THAT VESSEL WAS OBSERVED IN VIOLATION BY THE COAST GUARD. IT IS UNCLASSIFIED

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AGGRAVATED BY ENTRIES IN VESSEL'S OWN LOGBOOK INDICATING

FISHING WITHIN THE CFZ ON SEVERAL OTHER OCCASIONS IN DAYS JUST PRIOR TO SEIZURE, AND BY SIGHTING ON JULY 9 BY JARVIS OF VESSEL AT 11.8 MILES OFFSHORE. VESSEL WAS WARNED BY JARVIS ON JULY 9 TO STAY CLEAR OF CFZ.

4. VESSEL IS 51.83 METER STERNTRAWLER OF 349 TONS, BUILT 1972. MASTER IS MITSU HASHI-MASATAKA FISHING MANAGER TAZAWA SADA0.

5. EXPECT JUDICIAL PROCEEDINGS TO PARALLEL THOSE IN PAST CASES OF SIMILAR NATURE WITH OUT OF COURT SETTLEMENT POSSIBLE IF ATTORNEYS FOR TWO SIDES CAN COME TO AGREE-
MENT ON PENALTY. WHILE PENALTY IS LIMITED BY VALUE OF VESSEL PLUS CATCH ON CIVIL SIDE, BASED ON PAST EXPERIENCE EMBASSY COULD EXPECT IT TO BE IN NEIGHBORHOOD OF MOST RECENT SIMILAR PENALTIES. (500 TO 750 THOUSAND DOLLARS). PROCEEDINGS CAN BE CONCLUDED WITHIN 3 DAYS AFTER AGREE-
MENT IS REACHED ON PENALTY BETWEEN TWO SIDES.

6. FYI. STRICTLY SPEAKING, FISHING VESSEL SEIZED UNDER U.S. LAW (16 USC 1081 ET.SEQ.) ARE NOT NORMALLY SUBJECT TO BAIL. ONLY PREVIOUS CASE WHERE VESSEL WAS RELEASED ON BAIL PRIOR TO FINAL SETTLEMENT OF CASE WAS TAIYO MARU 28 IN PORTLAND, MAINE, SEPT 1974 BY COURT ORDER DUE COMPLEXITY OF CASE. END FYI. ROBINSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SHIP DETENTION, YAMASAN MARU F/V
Control Number: n/a
Copy: SINGLE
Draft Date: 17 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE177815
Document Source: CORE
Document Unique ID: 00
Drafter: LNSCHOWENGERDT:PAH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760276-0793
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760747/aaaaboud.tel
Line Count: 86
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN OES
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 TOKYO 10616
Review Action: RELEASED, APPROVED
Review Authority: hackerp0
Review Comment: n/a
Review Content Flags:
Review Date: 19 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 APR 2004 by ThomasVJ>; APPROVED <31 JAN 2005 by hackerp0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SEIZURE OF YAMASAN MARU 85
TAGS: EFIS, JA, US
To: TOKYO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006